

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
September 27, 2006

The Texas State Soil and Water Conservation Board met on September 27, 2006, at 8:00 a.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board Members present were:

Aubrey Russell, Chairman
Jerry Nichols, Vice Chairman
Larry Jacobs, Member
Joe Ward, Member
José Dodier, Member

Board Members absent were:

W. T. (Dub) Crumley, Member
Reed Stewart, Member

Staff members present were:

Rex Isom, Executive Director
Andy Garza, Regional Office Coordinator
Judy Albus, Program Supervisor
Steve Jones, Program Supervisor
Mark Cochran, Program Supervisor
Jack Foote, Program Specialist
Bob Gruner, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
Kendria Ray, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Kenny Zajicek, Fiscal Officer
John Foster, NPS Team Leader
Lee Munz, NPS SWCD Liaison
T.J. Helton, NPS Grant Coordinator
Aaron Wendt, NPS Watershed Coordinator
Laurie Fleet, NPS Project Manager
Donna Long, NPS Project Manager
Clyde Gottschalk, Program Specialist
Loren Henley, Administrative Assistant
Vicki Davis, Administrative Coordinator

A work session was conducted which covered all agenda items in detail. Questions were taken and answered.

The meeting adjourned at 9:15 a.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
September 27, 2006

The Texas State Soil and Water Conservation Board and the Texas Commission on Environmental Quality held a joint meeting and work session September 27, 2006 at 10:00 a.m. in the Conference Room of Blackland Research and Extension Center, Texas Agricultural Experiment Station, 720 East Blackland Road, Temple, Texas.

TCEQ Commissioners

Chairman Kathleen White
Commissioner Larry Soward
Commissioner Martin Hubert

TSSWCB Board Members

Chairman Aubrey Russell
Vice Chairman Jerry D Nichols
Board Member José Dodier, Jr.
Board Member Joe Ward
Board Member Larry Jacobs
Board Member Dub Crumley – Absent
Board Member Reed Stewart - Absent

This is a joint meeting and work session for discussion between TCEQ (Texas Commission on Environmental Quality) Commissioners, TSSWCB (Texas State Soil & Water Conservation Board) Board Members and staff from both agencies. Public comment will be accepted at the discretion of the TCEQ Commissioners and TSSWCB Board Members. Action may be taken on items posted for consideration. Items may be considered in an order other than the order posted.

TCEQ Chairman Kathleen White marked the beginning of the joint meeting with a statement of the specific State mandates that bind the TSSWCB and TCEQ in a partnership that she envisioned as a fruitful relationship. Chairman White and TSSWCB Chairman Aubrey Russell both noted that an effective working partnership with open, productive communication was essential to the success of the TMDL program in Texas, in addition to being the “right thing to do”.

1. Consideration of the existing TSSWCB / TCEQ (formerly Texas Natural Resource Conservation Commission) Memorandum of Agreement (MOA) relating to TMDLs (Total Maximum Daily Loads), including revisions to the MOA.

This item was presented by Clyde E. Bohmfalk and Tom Weber of the Texas Commission on Environmental Quality and John Foster, Aaron Wendt, and T.J. Helton of the Texas State Soil and Water Conservation Board. The recommended revisions to the Memorandum of Agreement (MOA) were summarized by the staff with a recommendation that the Commission and the Board authorize the respective Executive Directors to sign the revised MOA.

Chairman White requested additional information about wording in §C4 on Page 4 of the draft MOA. After some discussion staff from both agencies suggested the word “prescribed” be changed to “recommended”.

Chairman Russell indicated that he was pleased with the revised MOA and the Board was in agreement with the revisions; however, he continued with a statement that the revisions were just words on a piece of paper without highly coordinated, effective communication between respective agency staff, Board Members, and Commissioners. Chairman White and the Commissioners

agreed following up with recommendations to promote successful communication. Final directives culminating from discussion were (1) TCEQ staff will report MOA implementation efforts to Commissioners in memo format on a quarterly basis and at Work Sessions bi-annually, (2) TSSWCB staff will report MOA coordination efforts to Board Members at each Board meeting (every other month), and (3) a joint meeting of the Commission and the Board should be held at least annually.

Chairman White made a motion for the Commission to authorize the Executive Director to sign the MOA with the recommended word change and the motion was approved unanimously. Chairman Russell made a motion for the Board to authorize the Executive Director to sign the MOA, seconded by Board Member José Dodier with the recommended word change, and the motion was approved unanimously.

A signed copy of the revised MOA is attached.

2. Consideration of a TSSWCB / TCEQ partnership involving the selection of a task force to review the scientific methods and techniques used to develop bacteria TMDLs, which will provide alternatives and recommendations to the TSSWCB Board Members and the TCEQ Commissioners. This item will include the selection of task force members, objectives and scope of work, and timeframe of the task force.

Chairman White indicated that nearly 50% of the water quality impairments on the Texas 303(d) List are for bacteria and that Texas needs the best science to keep Texas on track with developing and implementing credible bacteria TMDLs.

Dr. Allan Jones, Director of the Texas Water Resources Institute at the Texas Agricultural Experiment Station, defined five key steps essential to the task force scope of work as (1) examine and understand approaches other states use to develop and implement bacteria TMDLs, (2) make recommendations on cost- and time-effective TMDL development methodologies, (3) make recommendations on Implementation Plan development approaches, including modeling and bacterial source tracking (BST) methodologies, (4) evaluate the variety of models and BST methods and recommend conditions under which of the various approaches are more appropriate, and (5) describe a science and research roadmap to reduce uncertainty in what we know about how bacteria behave under water conditions in Texas.

Both the Commissioners and Board Members asked for a timeline to be set for the task force to provide a completed report. Dr. Jones indicated that the task force could have a final report for agencies' staff within the next 60 days. There were reservations noted that this timeframe might be too short, given the upcoming holidays, legislative session, and teaching responsibilities of proposed task force members. It was agreed that a first draft of the task force report would be made available within 60 days to agency staff and stakeholders for review and comment. The final report would then be completed within 120 days. The task force will conduct its business in an open format allowing for stakeholder input.

TSSWCB Executive Director Rex Isom suggested that Dr. Jones be allowed to add members in the event that a member was unable to fulfill their duties on the task force or additional members with specific expertise were needed. It was agreed that Dr. Jones could add members after concurrence by the Board and Commission.

The list of proposed task force members was read and approved by the Commissioners and Board Members. The task force will be chaired by Dr. Allan Jones, Director of the Texas Water Resources Institute. Members include Drs. George DiGiovanni with the Texas Agricultural Experiment Station at El Paso, Larry Hauck with the Texas Institute for Applied Environmental Research, Joanna Mott with Texas A&M University–Corpus Christi, Hanadi Rifai with the University of Houston, Raghavan Srinivasan with Texas A&M University, and George Ward with the University of Texas at Austin.

After significant discussion among Commissioners and Board Members, it was agreed that local, state, and federal agencies with jurisdictions and/or expertise impacting bacteria and water quality be afforded ex-officio status and provided adequate means of offering meaningful input and guidance to the task force members.

Chairman White made a motion for the Commission to establish a joint task force on bacteria TMDLs, with membership, scope, and timeline as agreed in discussion. The motion was approved unanimously. Mr. Nichols made an analogous motion for the Board to establish a joint task force on bacteria TMDLs, with membership, scope, and timeline as agreed in discussion. The motion was seconded by Mr. Dodier and the motion was approved unanimously.

It was agreed that the Board and Commission would re-convene upon submittal of the report from the task force.

Public comments were received from the following:

1. John Cowan of Grapevine, Texas representing the Texas Association of Dairymen
2. Judge Fred Cox of Hamilton, Texas representing Hamilton County
3. Alisa Max of Houston, Texas representing Harris County
4. Dr. Pat Radloff of Austin, Texas representing Texas Parks & Wildlife Department
5. Commissioner Dickie Clary of Hamilton, Texas representing Hamilton County

Meeting adjourned at 12:03 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
September 27, 2006

The Texas State Soil and Water Conservation Board met on September 27, 2006, at 2:30 p.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board Members present were:

Aubrey Russell, Chairman
Jerry Nichols, Vice Chairman
Larry Jacobs, Member
Joe Ward, Member
José Dodier, Member

Board Members absent were:

W. T. (Dub) Crumley, Member
Reed Stewart, Member

Staff members present were:

Rex Isom, Executive Director
Andy Garza, Regional Office Coordinator
Johnny Oswald, Program Supervisor
Ben Brooks, Planner
Jack Foote, Program Specialist
Bob Gruner, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
Kendria Ray, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Kenny Zajicek, Fiscal Officer
John Foster, NPS Team Leader
Lee Munz, NPS SWCD Liaison
T.J. Helton, NPS Grant Coordinator
Aaron Wendt, NPS Watershed Coordinator
Laurie Fleet, NPS Project Manager
Donna Long, NPS Project Manager
Richard Egg, Engineer
Clyde Gottschalk, Program Specialist
Vicki Davis, Administrative Coordinator
Brian Koch, Watershed Coordinator

A work session was conducted which covered agenda items not included in the morning session in detail. Questions were taken and answered.

The meeting adjourned at 4:30 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
September 28, 2006

The Texas State Soil and Water Conservation Board met on September 28, 2006, at 8:00 a.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board members present were:

Aubrey Russell, Chairman
Jerry Nichols, Vice Chairman
Larry Jacobs, Member
Joe Ward, Member
José Dodier, Member

Board Members absent were:

W. T. (Dub) Crumley, Member
Reed Stewart, Member

Staff members present were:

Rex Isom, Executive Director
Andy Garza, Regional Office Coordinator
Judy Albus, Program Supervisor
John O'Connor, Program Supervisor
Steve Jones, Program Supervisor
Johnny Oswald, Program Supervisor
Mark Cochran, Program Supervisor
Jack Foote, Program Specialist
Bob Gruner, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
Kendria Ray, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Kenny Zajicek, Fiscal Officer
John Foster, NPS Team Leader
Lee Munz, NPS SWCD Liaison
T.J. Helton, NPS Grant Coordinator
Aaron Wendt, NPS Watershed Coordinator
Donna Long, NPS Project Manager
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Clyde Gottschalk, Program Specialist
Dawn Heitman, HR Coordinator
Vicki Davis, Administrative Coordinator

Others present were:

Nancy Isom
Comer Tuck, Texas Water Development Board
Salvador Salinas, Natural Resources Conservation Service
Kevin Wagner, Texas Water Resources Institute
Tamara Daniel, Association of Texas Soil and Water Conservation Districts

Chairman Russell called the meeting to order at 8:02 a.m. and welcomed those present.

AGENDA ITEM 1. Reports from Agencies and Guests

Comer Tuck, TWDB distributed copies of the Executive Summary for the 2007 State Water Plan and explained the approval process for the document. He discussed the TSSWCB/TWDB joint report and TWDB Senate Finance Committee Hearing.

Salvador Salinas, NRCS reported on: their 2006 programs, retirees vs. new hires, budget surplus for FY 06, computer purchases in FY 07, Watershed Program, TSP pilot program in Harlingen, TSP program with State Board, hurricane assistance, CSP Program, Farm Bill Program, year end accomplishments and FSA Office closings.

Kevin Wagner, TWRI discussed: joint TCEQ/TSSWCB meeting, water quality standards involving bacteria, the brush brochure and the Trinity River Project.

Tamara Daniel, ATSWCD reported on: South Central NACD meeting and the upcoming Committee of 100 meeting.

AGENDA ITEM 2. Minutes from the July 19 - 20, 2006 Board Meeting

Chairman Russell called for a motion to approve the minutes of the July 19-20, 2006 meeting as emailed. Mr. Nichols moved that the minutes be approved. Mr. Ward seconded the motion. The motion passed unanimously.

AGENDA ITEM 3. District Director Appointments

Ms. Davis presented district director appointments for the Board's consideration and verified they were in order and met all qualifications with the exception of Mr. Hampton's paperwork being faxed copies. Mr. Dodier moved the appointments be approved contingent upon all original paperwork being received. Mr. Nichols seconded and the following appointments were unanimously approved:

Janet Tregellas, Lipscomb #138, Zone 4, Replace Jerry Peery
Aaron Phillips, Lower Pease River #162, Zone 4, Replace C. L. Wall
Kevin Temperton, Winter Garden #326, Zone 3, Replace Frank Dunkle
Carlton Hampton, Pecan Bayou #553, Zone 4, Replace Travis L. Davis
Jody Bellah, Throckmorton #543, Zone 1, Replace Tommy Boyd

AGENDA ITEM 4. Human Resources & Statewide Management Plan Audits

Mr. Zajicek reviewed the agenda information. Mr. Dodier moved that the State Board approve all three audits as presented by Mr. Gregorczyk at the work session. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 5. Internal Audit Quality Assurance Review and Proposed 2007 Internal Audit Plan

Mr. Zajicek reviewed the agenda information. Mr. Nichols moved that the State Board approve the Internal Audit Quality Assurance Review and Proposed 2007 Internal Audit Plan as presented by Mr. Gregorczyk at the work session. Mr. Ward seconded and the motion passed unanimously.

AGENDA ITEM 6. Review and Approve Requests for Waivers as per §523.6(e)(2)(B)(E), TAC

Mr. Garza reviewed the agenda information. Mr. Dodier moved the requests for waiver from Tom Green, Hopkins-Rains, Matagorda and Wharton County SWCDs be approved as presented. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 7. Approval of Statewide Water Quality Management Plan Cost Share Requests

Mr. Munz reviewed the agenda information. Mr. Nichols moved the Board approve the requests for statewide cost-share funds as presented. Mr. Ward seconded the motion. The motion passed unanimously.

AGENDA ITEM 8. Discussion and Possible Approval of the Joint TWDB/TSSWCB Water Conservation Report

This item will be discussed at the November Board Meeting.

AGENDA ITEM 9. 2007 Allocations for Technical Service Provider Funds

Mr. Zajicek reviewed the agenda information. Mr. Nichols moved the Board approve the 2007 allocations for Technical Service Provider Funds as presented. Mr. Dodier seconded the motion. The motion passed unanimously.

AGENDA ITEM 10. Amend Chapter 519, Technical Assistance Rule

Mr. Zajicek reviewed the agenda information. Mr. Nichols moved the Board approve the rule amendment as presented. Mr. Jacobs seconded the motion. The motion passed unanimously.

AGENDA ITEM 11. Legislative Appropriations Request

Mr. Isom informed Board members that the TSSWCB is scheduled to testify before the Senate Finance Committee on Monday, October 9th.

AGENDA ITEM 12. NASCA Dues

Mr. Davis reviewed the agenda information with input from Mr. Isom. Board members decided to review the information and wait until the full board was present to make a decision on NASCA membership

AGENDA ITEM 13. 2006 Annual State Meeting

Mr. Davis reviewed the agenda information and took questions from the Board.

AGENDA ITEM 14. Future State Meetings

Mr. Davis stated that Fort Worth and Corpus Christi had both shown an interest in hosting future Annual State Meetings. The Board instructed Mr. Davis to present specifics at the November Board meeting.

AGENDA ITEM 15. Consider Readoption, Revision or Repeal of Rules:

Chapter 518, Employee Training Rules (518.1-518.2)

Chapter 523, Agricultural & Silvicultural WQM (523.1-523.8)

Chapter 525, Audit Requirements for SWCDs (525.1-525.9)

Mr. Davis reviewed agenda information. Mr. Dodier moved the Board approve the readoption of each rule as currently written. Mr. Ward seconded and the motion passed unanimously

AGENDA ITEM 16. Trinity River Basin Environmental Restoration Project

Mr. Isom informed board members that the State Board will be involved in the restoration project financially and in any other area where our assistance is needed.

AGENDA ITEM 17. Memorandum of Agreement between the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board Regarding Total Maximum Daily Loads, Implementation Plans for Total Maximum Daily Loads, and Watershed Protection Plans

AGENDA ITEM 18. Texas Commission on Environmental Quality and Texas State Soil and Water Conservation Board Task Force on Bacterial Total Maximum Daily Loads

Mr. Isom covered agenda items 17 and 18 by stating that all comments and emails he had received concerning the joint meeting held on the 17th had been positive and all commenters thought the meeting went well and heightened our rightful involvement in the program. Mr. Isom stated our agency will follow through with the commitments made at the joint meeting.

AGENDA ITEM 19. Army Compatible Use Buffer

Mr. Isom stated that the proposal is in the process of being finalized so that it will be acceptable to our agency and the public and that if it does not remain as originally presented; the plan will not go forward.

AGENDA ITEM 20. Coastal Coordination Council Report

Mr. Dodier reviewed the agenda information.

AGENDA ITEM 21. NACD Report

Mr. Dodier reported that districts are paying their quotas, conference calls are being used to conduct business and discussed the NACD National Meeting to be held in Los Angeles.

AGENDA ITEM 22. Lapsed Fund Report

Mr. Garza reviewed the agenda information.

AGENDA ITEM 23. Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 24. Public Information/Education Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 25. Brush Control Program Update

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 26. Poultry Program Status Report

Mr. Cochran reviewed the agenda information.

AGENDA ITEM 27. Dairy Manure Export Support Program

Mr. Helton reviewed the agenda information.

AGENDA ITEM 28. Clean Water Act, Section 319 Grant Program

Mr. Helton reviewed the agenda information.

AGENDA ITEM 29. Watershed Protection Plan Program

Mr. Wendt reviewed the agenda information.

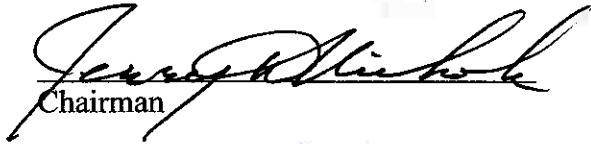
AGENDA ITEM 30. Total Maximum Daily Load Program

Mr. Wendt reviewed the agenda information.

AGENDA ITEM 31. Set Date of Next Board Meeting

The next board meeting was set as November 15 & 16.

Mr. Nichols moved that the meeting adjourn. Mr. Dodier seconded and the meeting adjourned at 9:45 a.m.


Chairman

Date

11/16/06

Secretary



Date

11/16/06

I certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on September 27-28, 2006.

Date

11/16/06

Executive Director

